



THE CITIZENS' ADVOCATE OFFICE
"Promoting Fairness and Efficiency in Public Administration"
Lexington-Fayette Urban County Government
"The Horse Capital of the World"

2013 Annual Report

The Purpose of the Annual Citizens' Advocate Report

Per Appendix A.—Guidelines for the Office of the Citizens' Advocate, section II. Disclosures and recommendations (c), the Citizens' Advocate is to present an annual report to the Council that contains a summary of trends and profiles of community needs and problems that have been discovered through the data collected by the office throughout the year.

What's in the Report?

As stated in the Charter, the Citizens' Advocate's role in this government is to

- a) investigate any complaint by citizens of the Urban County Government;
- b) Disclose any abuses or irregularities on the part of the Urban County Government, its officers, agents or employees; and
- c) Recommend such substantive or procedural policies as may be required.

To give you a clear picture of how this is accomplished, I have included in this year's report examples of citizens' problems, how they were handled and the outcomes. On page 2, you will find a sampling of cases handled by this office.

During my investigations of citizen problems, I sometimes run into issues dealing with the clarity of ordinances, government procedures that may need to be revised or even situations where procedures are needed but none exist. This report gives me the opportunity to highlight these issues and give recommendations. On page 3 I have listed a couple of areas that need attention and my recommendations for improvements.

Pages 3, 4 and 5 of this year's report contain summaries of calls handled with 15 days, the total number of calls received, the different types of calls received, which council districts were impacted and which departments were involved. Citizens will find on page 6 the office hours for the Citizens' Advocate and several ways in which they may make contact with the office.

Did You Know?

The Citizens' Advocate Office was established by the Charter of the Lexington-Fayette Urban County Government and this year's report is the 38th annual report presented by this office.

SUCCESS STORIES

How Do I Get There From Here?

A citizen called and was very upset because the location of his bus stop in front of Turfland Mall had been changed. The citizen said that he was in a wheelchair and at the old stop he was let out at a spot where he could easily move his chair a short distance and enter the parking area from the mall entrance. In the new stop location, he was let out onto a grassy area that was a significantly further distance to the mall entrance. This stop required him to maneuver his chair through grass and over a curb to reach the entrance to get into the parking area.

I went to the stop myself and it was as the citizen described. I then contacted LexTran and discussed the situation with management. Once management looked at the problem, it was decided that they would move the stop back to the original location and construct an entrance into the mall parking area at the drop-off site. This made it even easier for the citizen to enter the parking area.

Weeds

I talked to a citizen who was upset that Code Enforcement said they could not cite a particular property that had weeds because it was more than five acres and it was zoned agriculture. The citizen was told that per state statute, the property owner could not be issued a Notice of Violation (NOV).

After much research, it was found that the property owner could be cited for the parts of the property that were not actively growing crops. The property owner was issued an NOV. The property was owned by a large corporation and I contacted their representative and asked them to be a good corporate neighbor and have the property mowed. They complied.

Too Much Mud

A citizen called and was concerned with new construction across the street from his home. He said the sediment control was causing flooding and the street was continuously muddy.

I talked to Water Quality and asked that an inspector be sent to look over the construction area. It was found that the sediment control that was being used was causing flooding. Water Quality asked the builder to pressure wash the street and to proceed with putting in sod so that the sediment control could be removed.

Did You Know?

The Office of the Citizens' Advocate processed 71 more calls in 2012 than in 2011 and 26 more calls in 2013 than in 2012. This is an increase in calls in the last two years of 72%.

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Governmental Issues

Documentation

Most Urban County Government divisions do a pretty good job of documentation. When documentation is done properly it can be the key to resolving issues within an organization and disputes between an organization and its customers.

However, there are a few instances that I have found when researching citizen complaints where there was very little documentation by the division involved. It makes it very difficult to resolve issues between the Urban County Government and citizens when there is a lack of documentation.

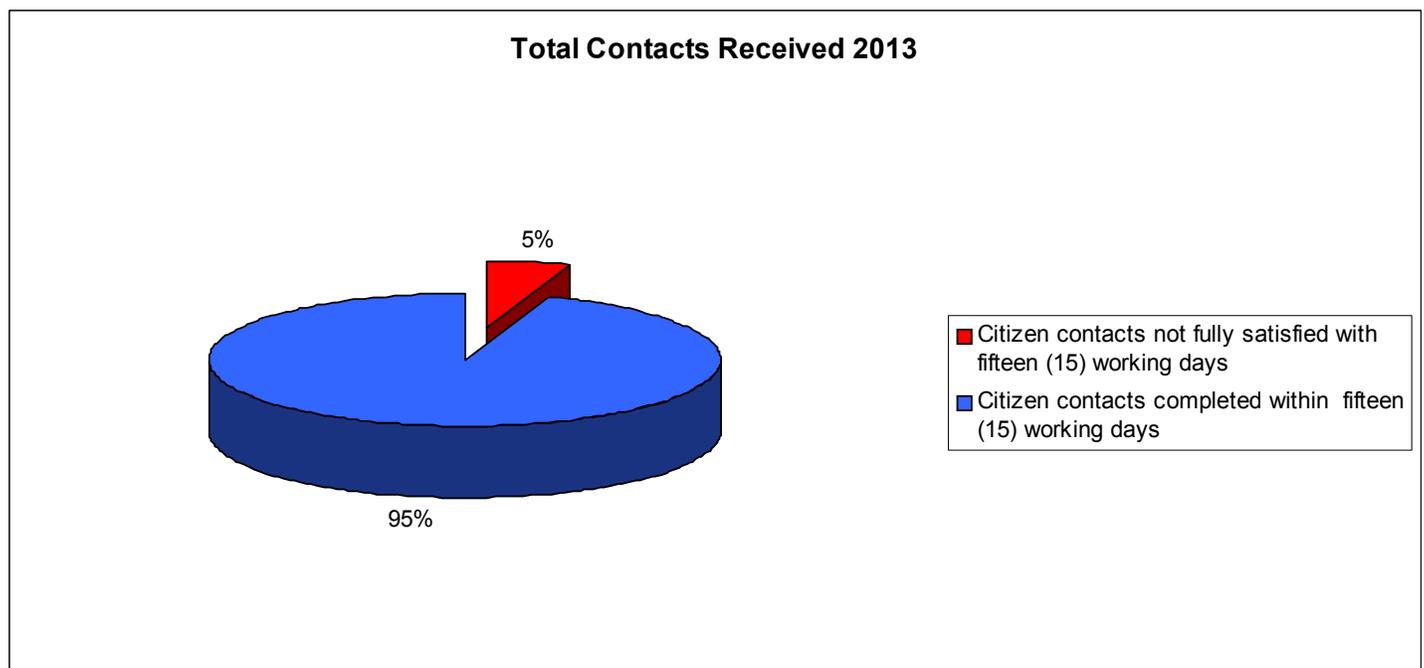
I would **recommend** more training on the importance of documentation and how to do it properly.

Easements and Right-of-Way

Several of the calls that I received this year have been about easements and right-of-way. Questions from citizens as well as staff have been raised. Questions like "Who maintains easements and right-of-ways?" "How is it determined for the city, state, or the property owner to have responsibility for maintenance?" "If a right-of-way is mowed twice a year by the city or state, can the property owner be issued a Notice of Violation for weeds that grow in-between mowings?"

I would **recommend** that LFUCG policies and ordinances, and agreements with the state be reviewed and an effort made to clear up questions and help staff solve problems concerning these issues in a consistent manner.

Chart 1



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Chart 2

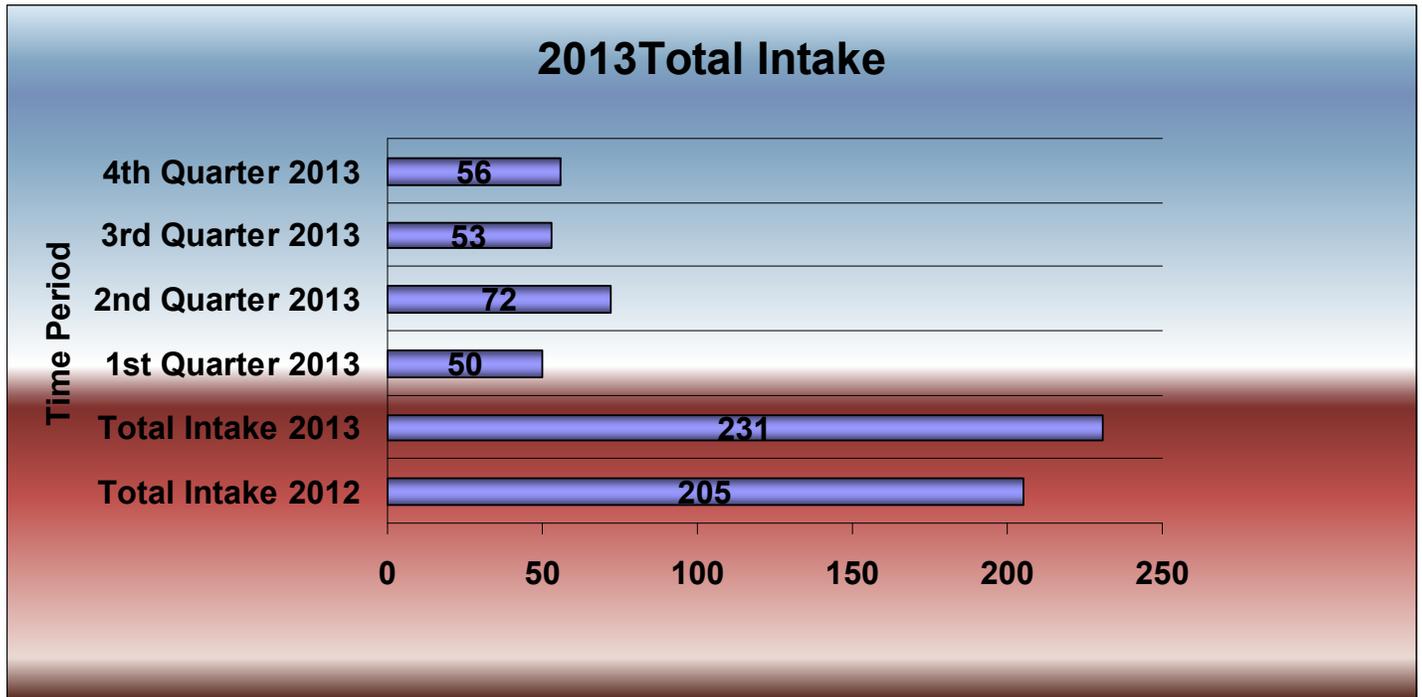
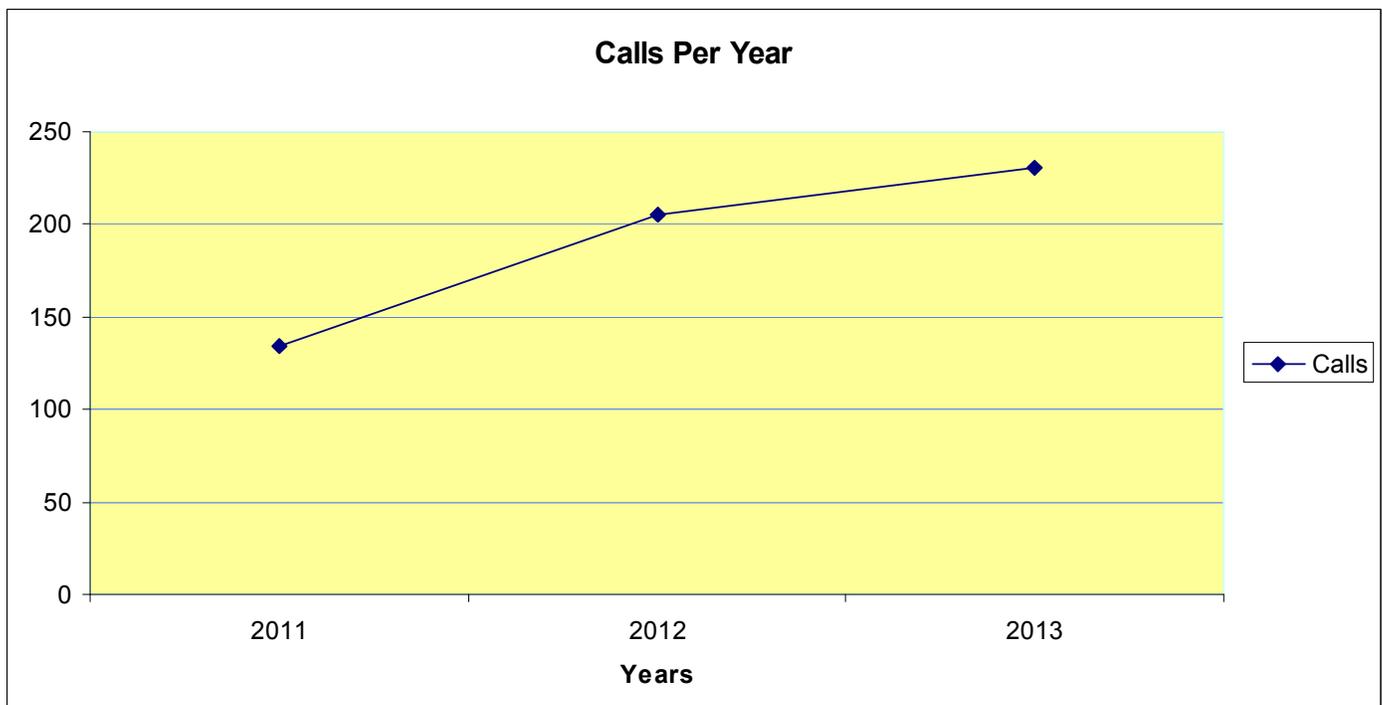


Chart 3



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Table 2

2013 Citizen Contacts by Council District and Department

DISTRICT	CAO	Council	Environmental Quality and Public Works	Finance	General Services	Law	Mayor's Office	Outside Agency	Planning	Public Safety	Social Services	Grand Total
1	0	2	4	0	1	1	0	1	3	2	1	15
2	0	0	1	0	1	0	0	6	3	4	3	18
3	0	3	0	0	1	1	0	5	2	10	2	24
4	0	0	1	0	2	0	1	1	1	0	0	6
5	0	2	5	0	0	1	0	1	3	2	0	14
6	0	0	4	0	6	0	0	3	1	2	0	16
7	2	2	6	0	0	0	0	3	3	2	0	18
8	0	2	6	2	0	0	1	2	1	2	3	19
9	0	0	1	0	0	0	0	0	2	1	0	4
10	0	3	5	1	0	2	1	1	2	1	0	16
11	0	3	2	1	0	1	1	4	4	3	4	23
12	0	2	5	1	0	0	0	2	0	0	0	10
At-Large	1	2	6	1	3	2	2	52	4	18	10	101
Grand Total	3	21	46	6	14	8	6	81	29	47	23	284

*Calls may involve more than one department.

Table 3

2013 Case Type By District

DISTRICT	Assistance	Complaint	Informational	Grand Total
1	3	10	0	13
2	7	5	1	13
3	12	4	1	17
4	1	3	0	4
5	5	5	1	11
6	3	9	0	12
7	11	5	0	16
8	6	8	2	16
9	0	0	4	4
10	4	4	4	12
11	6	7	3	16
12	3	4	3	10
13	25	25	37	87
Grand Total	86	89	56	231

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TO CONTACT THE CITIZENS' ADVOCATE

Citizens' Advocate: Penny McFadden

Write: Office of the Citizens' Advocate, Lexington-Fayette Urban County Government,
200 East Main Street Room 441, Lexington, KY 40507

Telephone: (859) 258-3230

Fax: (859) 258-3232

In Person: For Appointment (859) 258-3230

Walk-ins: Available anytime during business hours

Web page: www.lexingtonky.gov

Email: citadv@lexingtonky.gov

Office Hours:

Monday, Wednesday, Thursday and Friday

(9:00 am to 1:00 pm);

Tuesday

(1:00 pm to 5:00 pm)